

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

LITTLE KIDS, INC.

-V-

Civil Action No.

DAVID J. CATANZARO

COMPLAINT

1. This is an action for Declaratory Judgment under 28 U.S.C.A. § 2201 and 28 U.S.C.A. § 2202, adjudging United States Patent No. 7,653,959 B1 to be not infringed by plaintiff. This Court has jurisdiction under 28 U.S.C. A. § 1338. Venue is proper under 28 U.S.C.A. § 1391(c).
2. Defendant David J. Catanzaro ("Catanzaro") is the owner of United States Patent No. 7,653,959 B1 (the "'959 Patent"), entitled Article Assembly issued February 2, 2010 to defendant.
3. Plaintiff, a Rhode Island corporation, manufactured a product known as "Bubble Doods" and sold them to customers in Rhode Island and within the United States.
4. Plaintiff has not infringed and is not now infringing the '959 Patent.
5. No product currently being made, used, or sold by plaintiff is within the scope of any claim of the '959 Patent.
6. Defendant has given plaintiff multiple written notices of alleged infringement of the '959 Patent by plaintiff's manufacture and sale of Bubble Doods, has contacted plaintiff from Rhode Island by telephone, and has threatened legal action against plaintiff and also to

add as defendants in that litigation highly valued customers of plaintiff, including customers who do not and have not purchased Bubble Doods from plaintiff for resale, so as to embarrass and harass plaintiff.

7. The '959 Patent has not been and is not being infringed by plaintiff as it has not made, used, or sold any item or committed any act that comes within the scope of any claim made by defendant.
8. By reason of the above, an actual controversy has arisen and exists between the parties as to the alleged infringement of '959 Patent by the manufacture and sale of certain products by plaintiff.
9. Plaintiff's relationship with highly valued customers would be unnecessarily harmed by an unfounded action for infringement threatened by defendant against plaintiff and its customers.

WHEREFORE, plaintiff requests that:

1. This Court grant and enter a judgment or decree declaring that United States Patent No. '959 is not infringed by the Bubble Doods.
2. This Court enter a judgment or decree that it is the right of plaintiff to continue to make, use, and sell such Bubble Doods, without any threat or other interference whatsoever against plaintiff by defendant, based on or arising out of the ownership of the '959 Patent or any interest in such patents.
3. This Court enter a judgment and decree that the '959 Patent and all other patents owned by defendant relating to Bubble Doods are unenforceable.
4. Defendant be enjoined pending the final adjudication of this action and permanently afterward, from prosecuting or bringing or threatening to bring any action against any

buyers, sellers, or users of plaintiff's Bubble Doods for alleged infringement of defendant's patent rights by the sale or use of Bubble Doods.

5. Defendant be enjoined pending the final adjudication of this action, and permanently afterwards, from charging or asserting that the manufacture, use, or sale of Bubble Doods manufactured and sold by plaintiff is in violation of or infringes defendant's alleged patent rights under the '959 Patent.
6. The costs of action be assessed against defendant.
7. Plaintiff have such other and further relief as is just, including attorney's fees.

Plaintiff,

LITTLE KIDS, INC.

By its attorneys,

/s/ Robert D. Fine

Dated: March 13, 2015

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